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7

8 **UNITED STATES DISTRICT COURT**
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10 **NORTHERN DISTRICT OF CALIFORNIA**

11 ALBERT WRIGHT, JR. AND MARVA JOE
12 GREEN WRIGHT

13 Plaintiffs,
14 vs.

15 A. W. CHESTERTON, COMPANY, et al.,
16 Defendants.
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Case No. C-07-5403(MJJ)

**STIPULATION AND PETITION FOR AN
ORDER DISMISSING FOSTER WHEELER
LLC WITH PREJUDICE AND
REMANDING CASE TO CALIFORNIA
SUPERIOR COURT**

Judge: Hon. Martin Jenkins
Courtroom: 11

1 WHEREAS, Defendant, Foster Wheeler LLC, removed this case to federal court from the
 2 Superior Court of California, City and County of San Francisco pursuant to 28 U.S.C. §
 3 1442(a)(1). Plaintiffs timely sought the immediate remand of this action to Superior Court of
 4 California, City and County of San Francisco. Said remand motion was denied on or about
 5 February 25, 2008.

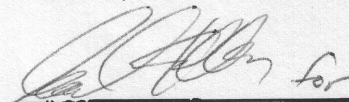
6 Plaintiffs and removing party, Foster Wheeler LLC, having considered the matter further
 7 do now hereby stipulate and agree as follows: Plaintiffs and Foster Wheeler LLC do and hereby
 8 stipulate that Foster Wheeler LLC should be dismissed from this action with prejudice pursuant to
 9 FRCP 41(a)(2); the parties will bear their own costs; Plaintiffs and removing party, Foster
 10 Wheeler LLC, consent to and request the immediate remand of this action to Superior Court of
 11 California, City and County of San Francisco under these terms.

12 Accordingly, Plaintiffs and Foster Wheeler LLC petition this Court for an order dismissing
 13 Foster Wheeler, LLC with prejudice with the parties bearing their own costs, and remanding this
 14 case to Superior Court of California, City and County of San Francisco pursuant to this stipulation.

15 IT IS SO STIPULATED.

16 Dated: 3/4/08

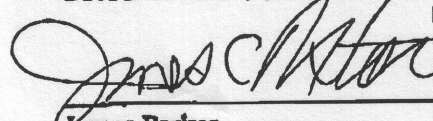
KELLER, FISHBACK & JACKSON LLP



Stephen Fishback
Attorneys for Plaintiffs

19 Dated: Feb. 29, 2008

BRYDON HUGO & PARKER



James Parker
Attorneys for Foster Wheeler LLC

25 IT IS SO ORDERED:

27 Dated: _____

Judge of the United States District Court